

Minutes
Special Session
Breckenridge City Commission

August 25, 2014 – 9:00 A.M.
Breckenridge City Offices Staff Room
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Jimmy McKay, Mayor; Sherry Strickland, Mayor Pro-Tem; Tom Cyprian, Commissioner; R. Kent Thompson, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Calvin Chaney, Fire Chief; Bret Chaney, Asst. Fire Chief; Christy Tidrow; Lois Rockefeller, Attorney; James Pichler

Those Absent: David Wimberley, Commissioner

1. **Call to Order :** Mayor Jimmy McKay at 9:03 a.m. a quorum was established
2. **Citizens Presentation :** None

PUBLIC HEARING

3. **Public Hearing to determine whether or not the building(s) or structure(s) on the following properties meet the minimum standards for the buildings and structures in the City of Breckenridge as established in Chapter 5 Article I Section 5-1.4 of the Code of Ordinances of the City of Breckenridge:**

- 1) 809 W. Jeanette, Mineral Wells Addition, Block 54, Lot 8 - James A. Pichler, 1008 W. Elliott, Breckenridge, TX 76424

Fire Chief Chaney passed out current photos of 809 W Jeanette. He stated this property was on a previous hearing on February 18th, 2014 and was originally agreed to be signed over. Mr. Pichler decided to instead, sell it to an interested party – they paid \$500 down and signed a deed of trust. City Attorney Rockefeller explained to Mr. Pichler that a deed of trust is basically a promise to pay. Normally the way it works, a deed to the land is signed and filed by the interested party and a deed of trust is signed and filed by the original land owner. That way the property gets put in the interested party's name, but the original land owner can put a lien against the property if the new owner does not pay. She asked Mr. Pichler if he still had the deed to the property and he replied yes.

Fire Chief Chaney stated the house had been vandalized, the roof is falling in and that the house is not secured. Commissioner Thompson asked about the interested party. Mr. Pichler stated the lady wanted to fix it up and that the house had belonged to a family member. City Attorney Rockefeller asked Mr. Pichler if the interested party has been making payments on the property. Mr. Pichler replied they had paid him \$500 down in May and have not made a payment since. City Attorney Rockefeller stated they

have basically forfeited on their agreement, and since Mr. Pichler still owns the property we are starting from scratch. She told him that he had a choice to either sign it over to the City or tear down the house. Mr. Pichler replied he would sign it over to the City. To make sure he understood correctly, Mayor McKay asked Mr. Pichler if he is going to sign this property over to the City and he is going to deal with the contract that he has with the interested party. Mr. Pichler replied yes. City Attorney Rockefeller stated that he can convey the property today. Mr. Pichler signed the paperwork to sign over.

- 2) 212 S. McAmis, Original Addition, Block 19, Lot S/70 of N/200 of W/150 - Jim Pichler, 1008 W. Elliott, Breckenridge, TX 76424

Fire Chief Chaney passed out current photos and reviewed this property. The house meets dangerous structure conditions. After much discussion on the property, Mayor McKay asked Mr. Pichler if he was willing to sign over this property to the City. Mr. Pichler replied no. Mayor McKay stated he hasn't seen any change in the house since Mr. Pichler sent in his plan of action in November of 2013, so what is his plan now. Mr. Pichler replied if the church is no longer interested in the property then he will contact a structural engineer to access the house.

Fire Chief Chaney stated whatever the Commission decided in this meeting, the order shall allow the owner 30 days to complete the action. If Mr. Pichler does not follow the order then this will go before the City Judge. There will be a \$200 fine and a \$53 court costs totaling \$253 assessed daily till something is done. Commissioner Strickland stated they needed to write out what is expected to be done within the 30 day period since Mr. Pichler is not willing to sign over the property and make sure Mr. Pichler understands what the ramifications will be after the 30 days if nothing has been done. The Commission decided to issue an order to abate as follows:

The Property Owner is hereby ORDERED to, within 30 days of the date of this Order:

1. Contact First Baptist Church to purchase for demolition for parking lot – demolition completed within 3 months;
IF NOT to purchase – then
2. Secure Certified Structural Engineer to determine if property is repairable;
IF NOT repairable – then
3. Will sign Warranty Deed Conveying Property to City of Breckenridge;
IF repairable – then
4. Must submit a plan for repair of the structure and make a good faith effort to begin repairs

- 3) 905 E. Walker, East Breck Addition, Block E, Lot 16 & 17 - James & Barbara Pichler, 1008 W. Elliott, Breckenridge, TX 76424

Fire Chief Chaney passed out current photos of this property and reviewed them. After Mr. Pichler listened to Fire Chief Chaney explain the condition of this property, he decided to convey the property to the City after he takes the electrical service off. City Attorney Rockefeller stated Mr. Pichler could sign the property over to the City with an agreement that we give him 30 days to disconnect the electric service. Mr. Pichler

agreed to the terms and conveyed his rights to the property to the City. The City will forward a deed to Barbara Pichler for her conveyance.

- 4) 206 E. Elm, Original Addition, Block 2, Lot E/65 of W/165 of S/100 - James & Jane Pichler, 1008 W. Elliott, Breckenridge, TX 76424

Fire Chief Chaney passed out current photos and reviewed them. Commissioner Thompson asked Mr. Pichler when the last time someone lived in this house. Mr. Pichler replied there were 2 gentlemen living in the building when he bought the property in 1995, since then he used it as storage until he was told that he could not until he brought it up to code. Mr. Pichler stated that he does not want to sign this property over. The Commission decided to issue an order to abate as follows:

The Property Owner is hereby ORDERED to, within 30 days of the date of this Order:

1. Property owner must identify a willing buyer; Owner and Buyer will determine with the City whether permits can be issued for needed repairs;
2. If permits can be issued, the Buyer must present a plan by the end of this period for needed repairs;
3. Property owner will convey the property to the City if owner cannot find a buyer within this 30 day period

4. Adjourn

Commissioner Cyprian made a motion, seconded by Commissioner Strickland, to adjourn the meeting. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Cyprian, Strickland, Thompson. Nays: None. Absent: Wimberley

Meeting adjourned at 11:45 A.M.

ATTEST


Jimmy McKay, Mayor


Heather Robertson-Caraway, City Secretary

SEAL

